

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION AT COLUMBUS**

ANTHONY BYRD,

Petitioner,

: Case No. 2:19-cv-4266

- vs -

District Judge James L. Graham  
Magistrate Judge Michael R. Merz

TIM SHOOP, Warden,

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Respondent.

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**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

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This habeas corpus case, brought by Petitioner Anthony Byrd with the assistance of counsel, is before the Court on the Magistrate Judge's Report and Recommendations (ECF No. 9) recommending that the Petition be dismissed. The Report was filed and served on March 31, 2020, and Petitioner's counsel was notified that any objections were required to be filed within fourteen days, or by April 14, 2020. That time has now expired and no objections have been filed. Accordingly, the Report (ECF No. 9) is ADOPTED. In accordance with its recommendation the Petition is dismissed. Pursuant to Fed.R.Civ.P. 58, the Clerk shall enter judgment to that effect.

Because reasonable jurists would not disagree with this conclusion, Petitioner is denied a certificate of appealability and the Court certifies to the Sixth Circuit that any appeal would be objectively frivolous and should not be permitted to proceed *in forma pauperis*.

Date: April 27, 2020

s/James L. Graham  
James L. Graham  
United States District Judge